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## Reporting an Injury, Disease or Dangerous Occurrence

### Important Note

This leaflet is not an authoritative interpretation of the legislation and is issued for general guidance only. Whilst every care has been taken in the preparation of this leaflet, the States cannot accept any responsibility in law for its contents, as any interpretation of the legislation will ultimately be a matter for the Courts. Copies of the complete Ordinance may be purchased from the Greffe or downloaded from our website: [www.gov.gg/hse](http://www.gov.gg/hse)

### INTRODUCTION

The Health and Safety Executive has produced this leaflet to help employers and the self-employed to understand their duties under the Health and Safety at Work (General) (Guernsey) Ordinance, 1987.

Sections 9, 10 and 11 of the ordinance set out the arrangements for reporting injuries, industrial diseases and dangerous occurrences to the Executive. These sections replace reporting provisions contained in a number of other Ordinances. The previous requirements are now repealed.

The chart on the pages following this introduction is designed to help the employer see the sequence of actions to follow in the event of an accident or dangerous occurrence.

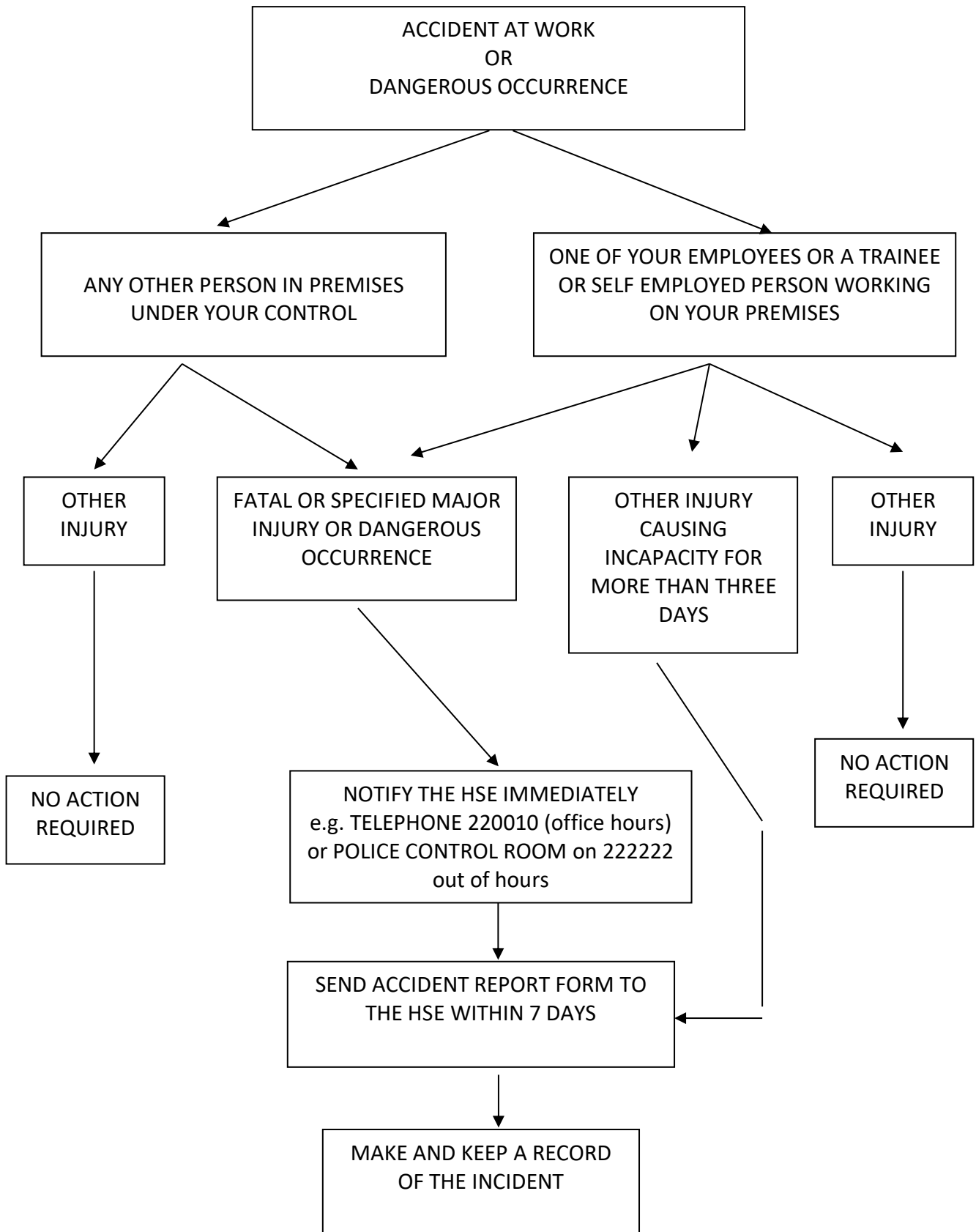
Part I of the booklet is a brief guide to the requirements. The relevant sections of the Ordinance have been reproduced in Part II, and extracts from the Schedules have been inserted where references to them occur. Certain words and expressions appear throughout the text and details of where these definitions may be found are: -

Injuries and conditions	page 7
Dangerous occurrences	page 12
Prescribed diseases	page 17
Responsible person	page 23

The form approved for reporting incidents at or in connection with work is available from the Health and Safety Executive, Raymond Falla House, PO Box 459, Longue Rue, St Martins, GY1 6AF. Tel: 01481 220010. You may also report online or download a form from the website: [www.gov.gg/riddor](http://www.gov.gg/riddor)

The industrial diseases prescribed as reportable under the Health and Safety at Work (Prescribed Diseases) (Guernsey) Regulations, 1987 are listed on pages 17 – 22. The Regulations are also available for download from the website: [www.gov.gg/hse](http://www.gov.gg/hse)

Certain dangerous occurrences are reportable if a hazardous substance is involved as prescribed in The Health and Safety at Work (Dangerous Substances) (Guernsey) Regulations, 1987. It is recommended that employers involved in transporting substances by road tanker or other means should contact the Executive to determine if it is a dangerous substance covered by the Regulations.



Should an employee die within one year as a result of an accident at work the employer must notify the Executive as soon as it comes to his notice.

## **PART 1**

### **REPORTING AN INJURY OR DANGEROUS OCCURRENCE AT WORK, OR AN INDUSTRIAL DISEASE**

#### **Events which must be reported**

Whenever any of the following events occur, a report must be made in writing to The Health and Safety Executive, but an event of type (a), (b) or (c) must first of all be notified to the Executive by the quickest practicable means (e.g. telephone):

- (a) the death of any person as a result of an accident arising out of or in connection with work;
- (b) any person suffering any of the following injuries or conditions as a result of an accident arising out of or in connection with work;
  - fracture of the skull, spine or pelvis
  - fracture of any bone in the arm, wrist, leg or ankle, but not a bone in the hand or foot;
  - amputation of:  
a hand or foot; or a finger, thumb or toe, or any part thereof if the joint or bone is completely severed;
  - the loss of sight of an eye, a penetrating injury to the eye, or a chemical or hot metal burn to the eye;
  - injury (including burns) from an electric shock from any electrical circuit or equipment, whether or not due to direct contact, requiring immediate medical attention or which results in a loss of consciousness;
  - loss of consciousness resulting from lack of oxygen;
  - decompression sickness requiring immediate medical treatment;
  - any acute illness requiring treatment, or loss of consciousness, resulting, in either case, from absorption of any substance by inhalation, ingestion or through the skin;
  - acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a pathogen or infected material;
  - any other injury which results in the person injured being admitted into hospital for more than 24 hours.
- (c) any of the dangerous occurrences listed on pages 12 – 17.
- (d) a person at work (i.e. an employee, a self-employed person, or a person receiving training for employment) is incapacitated from his or her normal work for more than 3 days as a result of an injury (an over-3-day injury) caused by an accident at work;
- (e) the death of an employee if this occurs some time after a reportable injury which led to that employee's death, but not more than one year afterwards;
- (f) a person at work being affected by one of a number of specified diseases (see pages 17 - 22); provided that a doctor diagnoses the disease and that the person's job involves the work activity specified.

#### **Making a report**

In the case of a death, specified major injury or condition, or a dangerous occurrence:

- the Executive must be notified immediately, e.g. by telephone; and
- this must be followed within 7 days by a written report to the Executive on the approved form.

In the case of an over-3-day injury to a person at work, a written report (using the approved form) must be sent to the Executive within 7 days of the accident.

In the case of an industrial disease a report must be made only if:

- (a) a written diagnosis of one of the specified diseases is received (for example, on a medical certificate) from a doctor; and
- (b) the ill person's current job involves the corresponding specified work activity.

### Keeping records

A record must be made and kept of all reportable injuries and dangerous occurrences. The record must contain in each case:

- (a) the date and time of the accident causing the injury or of the dangerous occurrence;
- (b) the following particulars about the person affected:
  - (i) full name;
  - (ii) occupation;
  - (iii) nature of injury or condition;
- (c) place where the accident or dangerous occurrence happened;
- (d) a brief description of the circumstances.

In the case of a reportable industrial disease the record must contain:

- (a) the date of diagnosis of the disease;
- (b) full name and occupation of the person affected;
- (c) name and nature of the disease.

Additional provisions apply to injuries, dangerous occurrences and diseases occurring within quarries (see page 17).

### Person responsible for making a report

The person responsible for making reports to the Executive depends upon the circumstances and upon the type of event to be reported. The table below summarises who that person is for all situations except for reportable events in quarries or quarry tips, where the owner, in either case, has to report.

<b>Reportable event</b>		<b>Responsible person</b>
Death, specified major Injury or condition or over-3-day injury;	of an employee at work,	that person's employer.
	of a person receiving training for employment,	that person whose undertaking makes immediate provision for the training.
	of a self-employed	the person for the time

	person at work in premises under the control of someone else.	being having control of the premises* (see page 7).
Specified major injury or condition, or over-3-day injury;	of a self-employed person at work in premises under his control,	the self-employed person himself or someone acting on his behalf.
Death, or specified major injury or condition;	of a person who is not himself at work e.g. a member of the public, a student, a resident of a nursing home, who is affected by the work of someone else.	the person for the time being having control of the premises* (see page 4).
One of the dangerous occurrences listed on pages 12 - 17 of this booklet (except those described below);		the person for the time being having control of premises*
a dangerous occurrence involving a pipeline (see paragraph 12 on page 14);		the owner of the pipeline.
<b>Reportable event</b> a dangerous occurrence involving a dangerous substance being conveyed by road (see paragraphs 13 and 14 on pages 14 - 16);		<b>Responsible person</b> the operator of the vehicle.
a specified industrial disease;	of an employee,  of a self-employed person,	the person's employer.  the self-employed person himself or someone acting on his behalf.

\* To assist employers, and others responsible for reporting, to discharge their duties, employees will need to be given clear guidelines about reporting any accident with which they are involved. Moreover the internal reporting procedure adopted in an organisation should ensure that prompt and clear information is given to the person who is responsible within the organisation for reporting to the Executive.

The word “premises” as defined by section 35 of the Ordinance has a very broad meaning and in some circumstances can mean just a part of a building or of some other workplace, where the person in “control” may differ from the person in control in other areas (e.g. part of an occupied factory building being demolished by a firm of demolition contractors). The demarcation between areas under different people’s control may sometimes be difficult to determine, e.g. in the case of a common access stairway in a multiple occupancy building. It is important to attempt to resolve such difficulties so that all parties concerned are clear as to who is responsible for making reports in given situations.

## **PART II**

### **THE HEALTH AND SAFETY AT WORK (GENERAL) (GUERNSEY) ORDINANCE, 1987**

#### **SECTION 9**

##### **Notification and reporting of injuries, diseases and dangerous occurrences.**

##### **Section 9 (1)**

Subject to section 11, where any person as a result of an accident arising out of or in connection with work, dies or suffers any of the injuries or conditions specified in subsection (2) below or where there is a dangerous occurrence\*<sup>1</sup>, the responsible person\*<sup>2</sup> shall –

- (a) forthwith notify the Executive thereof by the quickest practicable means\*<sup>3</sup>; and
- (b) within 7 days send a report thereof to the Executive on a form \*<sup>4</sup> approved for the purposes of this section.

\*1 See page 12 for definitions of notifiable “dangerous occurrences”.

\*2 See page 23 for definition of “responsible person”.

\*3 e.g. Telephone (234567)

\*4 “Report of an injury, disease or dangerous occurrence” form.

## **SPECIFIED MAJOR INJURY**

### **Section 9 (2)**

The injuries and conditions referred to in subsection (1) above are –

- (a) fracture of the skull, spine or pelvis;
- (b) fracture of any bone –
  - (i) in the arm or wrist, but not a bone in the hand; or
  - (ii) in the leg or ankle, but not a bone in the foot;
- (c) amputation of –
  - (i) a hand or foot; or
  - (ii) a finger, thumb or toe, or any part thereof if the joint or bone is completely severed;
- (d) the loss of sight of an eye, a penetrating injury to an eye, or a chemical or hot metal burn to an eye;
- (e) either injury (including burns) requiring immediate medical treatment, or loss of consciousness, resulting in either case from an electric shock from any electrical circuit or equipment, whether or not due to direct contact;
- (f) loss of consciousness resulting from lack of oxygen;
- (g) decompression sickness requiring immediate medical treatment;
- (h) either acute illness requiring medical treatment, or loss of consciousness, resulting in either case from the absorption of any substance by inhalation, ingestion or through the skin;
- (i) acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a pathogen or infected material;
- (j) any other injury which results in the person injured being admitted immediately to hospital for more than 24 hours.

### **Section 9 (3)**

Subject to section 11, where a person at work is incapacitated for work of a kind which he might, reasonably be expected to do, either under his contract of employment, or, if there is no such contract, in the normal course of his work, for more than 3 consecutive days (excluding the day of the accident but including any days which would not have been working days) because of an injury (other than one specified in subsection (2)) resulting from an accident at work, the responsible person shall within 7 days of the accident send a report thereof to the Executive on a form approved for the purposes of this section.

### **Section 9 (4)**

Subject to section 11, where an employee, as a result of an accident at work, has suffered an injury or condition reportable under subsection (1) above which is a cause of his death within one year of the date of that accident, the employer shall inform the Executive in writing of the death as soon as it comes to his knowledge, whether or not the accident has been reported under subsection (1) above.

## **Section 9 (5)**

Subject to subsections (6) and (7) below and to section 11, where a person at work suffers from a disease prescribed by Regulations <sup>\*1</sup> made by the Executive and his work involves an activity specified in such regulations the responsible person shall forthwith send a report thereof to the Executive on a form <sup>\*2</sup> approved for the purposes of this section.

## **Section 9 (6)**

Subsection (5) above shall apply only if –

- (a) in the case of an employee or a person undergoing training, the responsible person has received a written statement prepared by a registered medical practitioner diagnosing the disease as one prescribed under subsection (5) above;
- (b) in the case of a self-employed person, that person has been informed by a registered medical practitioner that he is suffering from a disease so prescribed.

## **Section 9 (7)**

In the case of a self-employed person, it shall be sufficient compliance with subsection (5) above if that person makes arrangements for the report to be sent to the Executive by some other person.

\*1 The Health and Safety at Work (Prescribed Diseases) (Guernsey) Regulations, 1987

\*2 “Report of injury, disease or dangerous occurrence” form.

## **SECTION 10**

### **Records**

#### **Section 10 (1) (a)**

The responsible person shall keep a record of –

- (a) any event which is required to be reported under section 9 (1), (2) and (3) above which shall contain the particulars specified in Part I of schedule 1.

Schedule 1 Part I – Particulars to be kept in records of any event which is reportable under section 9(1), (2) and (3):

- 1. Date and time of accident or dangerous occurrence.
- 2. The following particulars of the person affected -
  - (a) full name;
  - (b) occupation: and
  - (c) nature of injury or condition.



3. Place where the accident or dangerous occurrence happened.
4. A brief description of the circumstances.

**Section 10 (1) (b)**

- (b) any case of disease required to be reported under section 9 (5) above which shall contain the particulars specified in Part II of that Schedule.

Schedule 1 Part II – Particulars to be kept in records of instances of any diseases reportable under section 9 (5):

1. Date of diagnosis of the disease.
2. Full name and occupation of the person affected
3. Name or nature of the disease.

**Section 10 (2)**

Any record of deaths or injuries at work which an employer is required to keep by virtue of any other enactment shall, if it covers the injuries recordable under this Ordinance or any regulations made hereunder and includes the particulars specified in Schedule 1, be sufficient for the requirements of subsection (1)(a) above.

**Section 10 (3)**

The records referred to in subsection (1) above shall be kept at the place where the work to which they relate is carried on or, if this is not reasonably practicable, at the usual place of business of the responsible person and an entry in either of such records shall be kept for at least 3 years from the date on which it was made.

**Section 10 (4)**

The responsible person shall send to the Executive such extracts from the records required to be kept under subsection (1) as the Executive may from time to time require.

**Section 10 (5)**

The provisions of Part III of Schedule 1 (which contains provisions relating to quarries) shall have effect.  
Schedule 1 Part III – Additional provisions relating to quarries:

1. In this part of this Schedule, unless the context otherwise requires, “nominated person” means the person who is for the time being nominated –
  - (a) in a case where there is an association or body representative of a majority of the total number of persons employed at a quarry, by that association or body:

(b) in any other case, jointly by associations or bodies which are together representative of such a majority,  
to receive on behalf of the persons so employed notices under this part of this Schedule.

2. Where at a quarry any person, as a result of an accident arising out of or in connection with work, dies or suffers any of the injuries or conditions specified in section 9 (2), or where there is a dangerous occurrence, the responsible person shall -

- (a) forthwith notify the nominated person thereof by the quickest practicable means; and
- (b) within 7 days send a report thereof to the nominated person on a form approved for the purposes of section 9.

3. Where there is as a non-fatal injury to any person at a quarry, which is reported in accordance with paragraph 2, after which that person dies and his death is as a result of the accident, then as soon as it comes to his knowledge the responsible person shall give notice of the death to the nominated person.

4. Where there is an accident or dangerous occurrence in relation to which paragraph 2 applies, no person shall disturb the place where it happened or tamper with anything at that place before -

- (a) the expiration of 3 clear days after the matter to which paragraph 2 applies has been notified in accordance with this Ordinance; or
- (b) the place has been visited by an inspector exercising the powers conferred on him by this Ordinance;

whichever is sooner.

## **Section 10 (6)**

The Executive may by notice in writing served on any person who has furnished a report under section 9 (1), (2), (3), (5), (6) or (7), require that person to give to the Executive in an approved form such of the information specified in Part IV of Schedule 1 as may be specified in the notice within such time as may be specified in that notice.

### **Schedule 1 Part IV – Matters which the Executive may require to be notified:**

1. Further details of the circumstances leading up to the reported incident.
2. Further details about the nature or design or both of any plant involved in the reported incident.
3. Safety systems and procedures for the control of the plant or substance involved in the reported incident.
4. Qualifications, experience and training of staff having use or control of any plant or substance or concerned with safety systems or procedures.
5. Design and operation documentation.
6. Arrangements for the protection of personnel from any plant or substance connected with the reported incident.
7. Details of any examination of, or tests carried out on, any plant or installation involved in the reported incident.
8. Any available information about levels of exposure of persons at the work place to airborne substances.

## **Section 10 (7)**

It shall be a defence in proceedings against any person for an offence under this section for that person to prove that he was not aware of the event requiring him to notify or send a report to the Executive and that he had taken all reasonable steps to have all such events brought to his notice.

## **SECTION 11**

### **Restrictions as to the application of section 9**

#### **Section 11 (1)**

The requirements of sections 9 (1), (2), (3), (5), (6) and (7) above relating to any death, injury or condition shall not apply to a patient when undergoing treatment in a hospital or in the surgery of a registered medical or dental practitioner.

#### **Section 11 (2)**

The requirements of section 9 (1), (2), (3) and (4), relating to the death, injury or condition of a person as a result of an accident, shall apply to an accident arising out of or in connection with the movement of a vehicle on a road only if that person –

- (a) was killed or suffered an injury or condition as a result of exposure to a substance being conveyed by the vehicle; or
- (b) was either himself engaged in, or was killed or suffered an injury or condition as a result of the activities of another person who was at the time of the accident engaged in, work connected with the loading or unloading of any article or substance onto or off the vehicle; or
- (c) was either himself engaged in, or was killed or suffered an injury or condition as a result of the activities of another person who was at the time of the accident engaged in, work on or alongside a road, being work concerned with the construction, demolition, alteration, repair or maintenance of –
  - (i) the road or the markings or equipment thereon;
  - (ii) the verges, fences, hedges or other boundaries of the road;
  - (iii) pipes or cables on, under, over or adjacent to the road; or
  - (iv) buildings or structures adjacent to or over the road.

#### **Section 11 (3)**

Section 9 (1)(a) shall not apply to a self-employed person who is injured at premises of which he is the owner or occupier, but section 9(1)(b) shall apply to such a self-employed person (other than in the case of death) and it shall be sufficient compliance with that paragraph if that self-employed person makes arrangements for the report to be sent to the Executive by some other person.

## **SCHEDULE 2**

### **DANGEROUS OCCURRENCES**

#### **PART 1 – GENERAL**

##### **Lifting machinery, etc.**

1. The collapse of, the overturning of, or the failure of any load bearing part of -
  - (a) any lift, hoist, crane, derrick or mobile powered access platform, but not any winch, teagle, pulley block, gin wheel, transporter or runway;
  - (b) any excavator; or
  - (c) any pile driving frame or rig having an overall height, when operating, of more than 7 metres.

##### **Passenger carrying amusement device**

2. The following incidents at a fun fair (whether or not a travelling fun fair) while the relevant device is in use or under test -
  - (a) the collapse of, or the failure of any load bearing part of, any amusement device provided as a part of the fun fair which is designed to allow passengers to move or ride on it or inside it; or
  - (b) the failure of any safety arrangement connected with such a device, which is designed to restrain or support passengers.

##### **Pressure Vessels**

3. Explosion, collapse or bursting of any closed vessel, including a boiler or boiler tube, in which the internal pressure was above or below atmospheric pressure, which might have been liable to cause the death of, or any of the injuries or conditions covered by section 9 (2) to, any person or which resulted in the stoppage of the plant involved.

##### **Electrical Short Circuit**

4. Electrical short circuit or overload attended by fire or explosion which resulted in the stoppage of the plant involved and which, taking into account the circumstances of the occurrence, might have been liable to cause the death of, or any of the injuries or conditions covered by section 9(2) to, any person.

##### **Explosion or Fire**

5. An explosion or fire occurring in any plant or place which resulted in the stoppage of that plant or suspension of normal work in that place where such explosion or fire was due to the ignition of process materials, their by-products (including waste) or finished products.

## **Escape of Flammable Substance**

6. (1) The sudden, uncontrolled release of a liquefied petroleum gas or any other highly flammable liquid defined in sub-paragraph (2) below, flammable gas or flammable liquid above its boiling point from any system or plant or pipeline.

(2) In this schedule – “aqueous ammonia” means ammonia gas dissolved in water;

“highly flammable liquid” means any of the following, other than aqueous ammonia, liquefied flammable gas and liquefied petroleum gas, that is to say, any liquid, liquid solution, emulsion or suspension which, when tested in the prescribed manner gives off a flammable vapour at a temperature of less than 32 degrees Celsius and, when tested by any further prescribed manner supports combustion;

“liquefied flammable gas” means any substance which at a temperature of 20 degrees Celsius and a pressure of 760 millimetres of mercury would be a flammable gas, but which is in liquid form as a result of the application of pressure or refrigeration or both;

“Liquefied petroleum gas” means commercial butane (that is, a hydrocarbon mixture consisting predominantly of butane, butylene or any mixture thereof) or commercial propane (that is, a hydro-carbon mixture consisting predominantly of propane, propylene or any mixture thereof) or any mixture of commercial butane and commercial propane.

## **Collapse of Scaffolding**

7. A collapse or partial collapse of any scaffold which results in a substantial part of the scaffold falling or overturning; and where the scaffold is slung or suspended, a collapse or partial collapse of the suspension arrangements (including any outrigger) which causes a working platform or cradle to fall.

## **Collapse of building or structure**

8. Any unintended collapse or partial collapse of -
- (a) any building or structure under construction, reconstruction, alteration or demolition, or of any false work, involving a fall of material; or
  - (b) any floor or wall of any building being used as a place of work, not being a building under construction, reconstruction, alteration or demolition.

## **Escape of a substance or pathogen**

9. The uncontrolled or accidental release or the escape of any substance or pathogen from any apparatus, equipment, pipework, pipeline, process plant, storage vessel, tank, in-works conveyance tanker, land-fill site, or exploratory land drilling site, which having regard to the nature of the substance or pathogen and the extent and location of the release or escape, might have been liable to cause the death of, any of the injuries or conditions covered by section 9 (2) to, or other damage to the health of any person.

## **Explosives**

10. Any ignition or explosion of explosives, where the ignition or explosion was not intentional.

## **Freight containers**

11. Failure of any freight container or failure of any load bearing part thereof while it is being raised, lowered or suspended and in this paragraph "freight container" means an article of transport equipment which is -

- (a) of a permanent character and accordingly strong enough for repeated use; and
- (b) designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading; and
- (c) designed to be secured or readily handled or both; and

includes a container when carried on a chassis but does not include a vehicle or packaging.

## **Pipelines**

12. (1) Either of the following incidents in relation of a pipeline –

- (a) the bursting, explosion or collapse of a pipeline or any part thereof; or
- (b) the unintentional ignition of anything in a pipeline, or anything which immediately before it was ignited was in a pipeline.

(2) In this paragraph "pipeline" means a pipe or system of pipes for the conveyance of anything, together with -

- (a) any apparatus for inducing or facilitating the flow of anything through, or through a part of, the pipe or system;
- (b) valves, valve chambers and similar works which are annexed to, or incorporated in, the course of the pipe system;
- (c) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in the preceding paragraph;
- (d) apparatus for the transmission of information for the operation of the pipe or system;
- (e) apparatus for the cathodic protection of the pipe or system; and
- (f) a structure used or to be used solely for the support of a part of the pipe or system.

## **Conveyance of dangerous substances by road**

13. (1) Any incident –

- (a) in which a road tanker or tank container used for conveying a dangerous substance by road -
  - (i) overturns; or
  - (ii) suffers serious damage to the tank in which the dangerous substance is being conveyed; or
- (b) in which there is, in relation to such a road tanker or tank container –

- (i) an uncontrolled release or escape of the dangerous substance being conveyed; or
- (ii) a fire which involves the dangerous substance being conveyed.

(2) In this paragraph -

“dangerous substance” means any substance (including any preparation) which is either –

- (a) specified by the Executive by Regulations\* under Section 36 (1) (e) (i), unless it is conveyed by road at such a dilution that a risk to health and safety of any person is not created by that conveyance; or
- (b) any other substance which by reasons of its characteristic properties creates a risk to the health and safety of any person in the course of conveyance by road which is comparable with the risk created by substances which are specified in sub-paragraph (a) above;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“road tanker” means a goods vehicle which has a tank which is structurally attached to, or is an integral part of, the frame of the vehicle;

“tank” means a tank which is –

- (a) used for the conveyance by road of a liquid, gaseous, powdery or granular material or a sludge, in bulk; and
- (b) so constructed that it can be securely closed (except for the purpose of relieving excessive pressure) during the course of conveyance by road;

“tank container” means a tank (whether or not divided into separate compartments) having a total capacity of more than 3 cubic metres other than the tank of a road tanker.

\*The Health and Safety at Work (Dangerous Substances) (Guernsey) Regulations, 1987 (see page 28)

(3) A vehicle shall be deemed for the purposes of this paragraph to be used for the conveyance by road of a dangerous substance throughout the period -

- (a) in the case of a road tanker, from the commencement of loading for the purpose of conveying the substance on a road until the tank or compartment of the tank has been cleaned or purged so that any of the substance or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person; or
- (b) in the case of a vehicle carrying a tank container from either -
  - (i) the time at which the tank container containing the dangerous substance is placed on the vehicle;
  - (ii) if the container was placed on the vehicle before loading was commenced, from the commencement of loading;

for the purpose of conveying the substance on a road until either –

- (iii) the tank container is removed from the vehicle; or

- (iv) the tank container or compartment of the tank container has been cleaned or purged so that any of the substance or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person;

and in either case, whether or not the vehicle is on a road at the material time.

14. (1) Any incident involving a vehicle conveying a dangerous substance by road, other than a vehicle to which paragraph 13 applies, where there is –

- (a) an uncontrolled release or escape from any package or container of the dangerous substance being conveyed; or
- (b) a fire which involves the dangerous substance being conveyed.

(2) In this paragraph “dangerous substance” means a substance which is dangerous for conveyance as prescribed by Regulations\* under section 36 (1) (e) (i).

\* The Health and Safety at Work (Dangerous Substances) (Guernsey) Regulations, 1987 (see page 23).

### **Breathing apparatus**

15. Any incident where breathing apparatus, while being used to enable the wearer to breathe independently of the surrounding environment, malfunctions in such a way as to be likely either to deprive the wearer of oxygen, or in the case of use in a contaminated atmosphere, to expose the wearer to the contaminant, to the extent in either case of posing a danger to his health, except that this paragraph shall not apply to such apparatus while it is being maintained or tested.

### **Overhead electric lines**

16. Any incident in which plant or equipment either comes into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts, or causes an electrical discharge from such an electric line by coming into close proximity to it, unless in either case the incident was intentional.



**PART II – DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RELATION TO QUARRIES**

1. The collapse of any storage bunker.
2. (1) An incident in which any person suffers an injury, not being an injury covered by section 9 (2) or one reportable under section 9 (3), resulting from an explosion or discharge of any explosive article or substance from which he receives first-aid or medical treatment at the quarry.  
  
(2) In this paragraph -  
  
“explosive article” means an article containing one or more explosive substances;  
  
“explosive substance” means –
  - (a) a solid or liquid substance; or
  - (b) a mixture of solid or liquid substances or both, which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions.
3. An occurrence in which any substance is ascertained to have been projected beyond a quarry boundary as a result of blasting operations in circumstances in which any person was, or might have been, endangered.
4. An incident in which any person suffers electric shock or burns requiring first-aid or medical treatment at a quarry from any electrical circuit (whether or not due to direct contact) in which the voltage for the time being exceeds 25 volts.

**THE HEALTH AND SAFETY AT WORK (PRESCRIBED DISEASES) (GUERNSEY) REGULATIONS, 1987**

Schedule	Regulation 1
Column 1	Column 2

**Poisonings**

- |  |               |
|--|---------------|
| 1. Poisoning by any of the following:<br><br>(a) Acrylamide monomer;<br>(b) Arsenic or one of its compounds;<br>(c) Benzene or a homologue of benzene;<br>(d) Beryllium or one of its compounds;<br>(e) Cadmium or one of its compounds;<br>(f) Carbon disulphide; | Any activity. |
|--|---------------|

- (g) Diethylene dioxide (dioxan);
- (h) Ethylene oxide;
- (i) Lead or one of its compounds;
- (j) Manganese or one of its compounds;
- (k) Mercury or one of its compounds;
- (l) Methyl Bromide;
- (m) Nitrochlorobenzene, or a nitro- or amino - or chloro-derivative of benzene or of a homologue of benzene;
- (n) Oxides of nitrogen;
- (o) Phosphorus or one of its compounds.

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Column 1

Column 2

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**Skin diseases**

- |  |  |
|--|--|
| <p>2. Chrome ulceration of:<br/>         (a) the nose or throat; or<br/>         (b) the skin of the hands or forearm.</p> | <p>Work involving exposure to chromic acid to any other chromium compound.</p> |
| <p>3. Folliculitis.</p>  | <p>} Work involving exposure to mineral oil, tar, pitch or arsenic.</p>        |
| <p>4. Acne.</p>  |  |
| <p>5. Skin Cancer</p>  |  |
| <p>6. Inflammation, ulceration or malignant disease of the skin.</p>   | <p>Work with ionising radiation.</p>   |

**Lung diseases**

- |                               |  |
|-------------------------------|--|
| <p>7. Occupational asthma</p> | <p>Work involving exposure to any of the following agents –<br/>         (a) isocyanates;<br/> <br/>         (b) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachloro-phthalic anhydride, trimellitic anhydride or triethylenetetramine;</p> |
|-------------------------------|--|

- (c) fumes arising from the use of rosin as a soldering flux;
- (d) proteolytic enzymes;
- (e) animals or insects used for the purposes of research or education or in laboratories;

Column 1	Column 2
	(f) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom.
8. Extrinsic alveolitis (including Farmer's Lung)	<p>Exposure to moulds or fungal spores or heterologous proteins during work in –</p> <ul style="list-style-type: none"> <li>(a) agriculture, horticulture, woodland, cultivation of edible fungi or malt-working; or</li> <li>(b) loading or unloading or handling in storage, mouldy / vegetable matter or edible fungi; or</li> <li>(c) caring for or handling birds; or</li> <li>(d) handling bagasse.</li> </ul>
9. Pneumoconiosis (excluding asbestosis)	<ol style="list-style-type: none"> <li>1. Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from such sand blasting.</li> <li>2. Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations: <ul style="list-style-type: none"> <li>(a) the freeing of steel castings from adherent siliceous substance;</li> </ul> </li> </ol>

(b) the freeing of metal castings from adherent siliceous substances;

(i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel; or

(ii) by the use of power-driven tools.

3. The manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any activity involving substantial exposure to the dust arising therefrom.

4. The dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.

5. The use, or preparation for use, of a grindstone, or substantial exposure to the dust arising therefrom.

6 (a) Work underground in which one of the objects of the operations is the getting of any mineral;

(b) the working or handling above ground of any minerals or any operation incidental thereto;

(c) the trimming of coal in any ship, barge or lighter, or in any dock or harbour or at any wharf or quay;

(d) the sawing, splitting or dressing of slate, or any operation incidental thereto.

7. Boiler scaling or substantial exposure to the dust arising therefrom.

10. Byssinosis

Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax is carried on.

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|------------------|---|--|
| 11. Mesothelioma | } | (a) The working or handling of asbestos or any ad-mixture of asbestos;   |
| 12. Lung Cancer  |   | (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;   |
| 13. Asbestosis   |   | (c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; |
|                  |   | (d) substantial exposure to the dust arising from any of the foregoing operations.   |

**Infections**

- |   |   |
|---|---|
| 14. Leptospirosis   | Handling animals, or work in places which are, or may be, infected by rats.   |
| 15. Hepatitis   | Work involving exposure to human blood products or body secretions or excretions.   |
| 16. Tuberculosis  | Work with persons or animals or with human or animal remains or with any other material which might be a source of infection. |
| 17. Any illness caused by a referred to in column 2 opposite. | Work involving a pathogen which presents a hazard to human health.  |
| 18. Anthrax   | Any activity.   |

**Other Conditions**

- |  |   |   |
|--|---|---|
| 19. Malignant disease of the bones                       | } | Work with ionising radiation.               |
| 20. Blood dyscrasia                                      |   |   |
| 21. Cataract radiation (including radiant heat).         |   | Work involving exposure to electro-magnetic |
| 22. Decompression sickness                               | } | Breathing gases at increased pressure.      |
| 23. Barotrauma   |   |   |
| 24. Cancer of the nasal cavity or associated air sinuses |   |   |

- (b) work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.

25. Cancer of the urinary tract

Work involving exposure to any of the following substances –

- (a) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine);
- (b) any of the substances mentioned in sub-paragraph (a) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups;
- (c) the salts of any of the substances mentioned in sub-paragraphs (a) and (b) above;
- (d) auramine or magenta.

26. Vibration white finger

- (a) the use of hand-held chain saws; or
- (b) the use of hand-held rotary tools in grinding or in the sanding or polishing of metal or the holding of material being ground, or metal being sanded or polished, by rotary tools; or
- (c) the use of hand-held percussive metal-working tools, or the holding of metal being worked upon by percussive tools, in riveting, caulking, chipping, hammering, fettling or swaging; or
- (d) the use of hand-held powered percussive drills or hand-held powered percussive hammers in quarrying, demolition or on roads or footpaths, including road construction.

## RESPONSIBLE PERSON

### Section 35(1)

“Responsible person” means –

- (a) in the case of –
  - (i) a quarry, the owner of that quarry;
  - (ii) a pipeline as defined in paragraph 12(2) of Schedule 2 to this Ordinance, the owner of that pipeline;
  - (iii) a vehicle to which paragraph 13 or 14 of Schedule 2, Part 1 applies, the operator of the vehicle;
- (b) where sub-paragraph (a) above does not apply, in the case of, any event (other than a dangerous occurrence) reportable under section 9(1), (3) or (4) or any case of disease reportable under section 9(5), involving –
  - (i) an employee at work (including any person who is to be treated as an employee by virtue of any relevant statutory provision), his employer;
  - (ii) a person (excluding one who is to be treated as an employee by virtue of any relevant statutory provision) undergoing training for employment, the person whose undertaking makes the immediate provision of that training;
- (c) in any other case, the persons for the time being having control of the premises in connection with the carrying on by him of any trade, business or other undertaking (whether for profit or not) at which, or in connection with the work at which, the accident or dangerous occurrence reportable under section 9(1), (3) or (4), or case of disease reportable under section 9(5), happened.